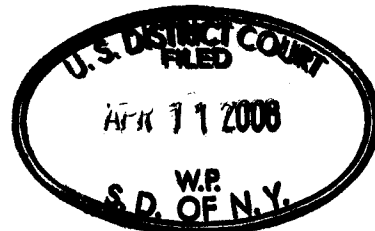


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MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: MATTHEW L. SCHWARTZ
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Telephone: (212) 637-1945
Facsimile: (212) 637-2750
E-mail: matthew.schwartz@usdoj.gov



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
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UNITED STATES OF AMERICA, :
:
Plaintiff, :
:
v. :
:
SOUTH FALLSBURG, LTD., :
JOHN DOES NOS. 1-10 :
and JANE DOES NOS. 1-10, :
:
Defendants. :
:
- - - - -x

DEFAULT JUDGMENT
OF FORECLOSURE AND SALE
08 Civ. 218 (CLB) (LMS)
ECF CASE

This action having been commenced on January 10, 2008,
by the filing of a complaint and issuance of a summons; defendant
South Fallsburg, Ltd. having been served with a copy of the
summons, complaint, notice of pendency and required notices
regarding electronic case filing and the court's individual rules
on January 28, 2008, by delivering a true copy of each to Nikki
Chappel, Corporation Services Company, 80 State Street, Albany,
New York, an authorized agent for acceptance of service of
process on South Fallsburg, Ltd.; and the summons and return of
service having been filed in the Clerk's office on March 6, 2008;
defendant South Fallsburg, Ltd. not having answered or made any

motion with respect to the complaint and the time for defendants to answer or make any motion with respect to the complaint having expired; the Clerk of this Court having duly entered the annexed certification of default; and sufficient proof having been adduced that none of the defendants is in the military of the United States or an infant or incompetent person,

NOW on the application of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America (the "plaintiff" or the "United States"), it is hereby

ORDERED AND ADJUDGED, that as of April 2, 2008, there is due and owing to plaintiff on the Note and Mortgage, the principal amount of \$904,349.59, plus accrued interest in the amount of \$329,105.72, plus advances in the amount of

\$141,174.49, plus \$13,602.72 interest on the advances, plus \$28,095.00 for overages. The total amount of the debt as of April 2, 2008, is ~~\$1,388,232.52~~.

Interest continues to accrue at the daily rate of \$60.14 on the principal and \$13.35 on the

Advance Account for a total interest charge of \$73.49 per day;

and it is further

ORDERED AND ADJUDGED, that as of April 2, 2008, plaintiff has incurred a total of \$930.00 in out of pocket costs; and it is further

ORDERED AND ADJUDGED, that plaintiff's mortgage is hereby foreclosed and that the mortgaged premises described by metes and bounds hereinafter in this judgment shall be sold free and clear of all rights, title and interest of each and all of the defendants named in this action and all persons claiming under them or after the filing of the notice of pendency in this action in the office of the County Clerk, Sullivan County under File Number 00000098-000001-10063 and subject to any statement of facts that an accurate survey or a personal inspection of the premises would disclose, zoning ordinances, regulations of various governmental authorities having jurisdiction over the premises, assessments, water and sewer charges and covenants and restrictions of record, in one parcel, at public auction, to be held at the front door of the Sullivan County Courthouse, Broadway and Bank Streets, Monticello, New York 12701, in accordance with the rules and practices of this Court and the provisions of 28 U.S.C. §§ 2001 and 2002, under the direction of the United States Marshal for the Southern District of New York, or his representative; and it is further

ORDERED AND ADJUDGED, that the United States Marshal for the Southern District of New York, or his representative, shall execute and deliver to the purchaser a deed of the premises sold upon the purchaser having complied with the terms of sale, and that the proceeds of such sale shall be deposited with the

Clerk of this Court and paid out by the Clerk in the order set forth below and until the proceeds are exhausted:

- (1) To the liens of taxing authorities entitled to priority, if any;
- (2) To the United States Marshal for the Southern District of New York, the costs and expenses incurred by him in connection with the sale of the premises;
- (3) To the plaintiff, United States of America, the costs and disbursements of this action of \$930.00, together with (a) an additional allowance of \$150.00 pursuant to CPLR § 8302(b); (b) an allowance of \$50.00 pursuant to CPLR § 8302(d); and (c) a discretionary allowance of \$300.00 pursuant to CPLR § 8303 (a)(1);
- (4) To the plaintiff, United States of America, the sum of \$1,388,232.52, which includes advances and interest accrued thereon through April 2, 2008, plus pre-judgment interest which continues to accrue on said sum at the rate of \$73.49 per day to the date of entry of this judgment; and
- (5) the balance, if any, shall be surplus money and shall be disposed of pursuant to a surplus money proceeding, upon such terms as this Court directs;

and it is further

ORDERED AND ADJUDGED, that the plaintiff, acting through the United States Department of Agriculture, may bid on the mortgaged premises at the sale and, in the event that it is

the highest bidder, the United States Marshal for the Southern District of New York shall not require the plaintiff to pay in cash the amount bid at the sale, but shall execute and deliver to plaintiff a deed to the premises sold; and it is further

ORDERED AND ADJUDGED, that the United States Marshal for the Southern District of New York shall promptly file his report of the sale with the Clerk of this Court; and it is further

ORDERED AND ADJUDGED, that the purchaser at the sale shall have the right to possession of the premises upon production of the Marshal's deed; and it is further

ORDERED AND ADJUDGED, that upon the sale of the mortgaged premises, each and all of the defendants in this action and all persons claiming under any of the defendants, after the filing of the notice of pendency in this action are hereby forever barred and foreclosed of all right, title, claim, lien, interest and equity of redemption in and to the mortgaged premises, and in and to each and every part thereof; and it is further

ORDERED AND ADJUDGED, that the mortgaged premises affected by this Order and Judgment and to be sold by the United States Marshal for the Southern District of New York, or his representative, are described by metes and bounds on the Mortgage dated April 1, 1988, and recorded in the Sullivan County Clerk's

Office on April 4, 1988, a copy of which is annexed as Exhibit A; and it is further

ORDERED AND ADJUDGED, that the Defendants captioned as "JOHN DOES NOS. 1-10" and "JANE DOES NOS. 1-10," not having been served with copies of the summons and complaint, are not necessary party defendants, and their names hereby are stricken from all the proceedings and papers hereafter to be filed herein, all without prejudice to this action; and it is further

ORDERED AND ADJUDGED, that the Clerk of this Court is directed to enter judgment forthwith and keep the case open on the docket pending confirmation of sale of the property and satisfaction of the judgment.

Dated: ✓ White Plains, New York
April 10, 2008

So ORDERED:

Charles L. Briant
CHARLES L. BRIANT
United States District Judge

Judgment entered this
day of April, 2008

Clerk